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10/777,758	02/13/2004	Kil-soo Jung	1293.1900C2	5327

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STEIN, MCEWEN & BUI, LLP
1400 EYE STREET, NW
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WASHINGTON, DC 20005

EXAMINER

FABER, DAVID

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/777,758	Applicant(s) JUNG ET AL.	
	Examiner DAVID FABER	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10612415.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/12/05, 2/13/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the application filed on 13 February 2004 and the Information Disclosure Statements filed on 13 February 2004 and 12 December 2005.

This office action is made Non-Final.

2. Claims 1-14 are pending. Claims 1, 4, 5, 6, 9, 10, and 11 are independent claims.

Priority

3. It is noted that this application appears to claim subject matter disclosed in prior Application No. 10/612415, filed 3 July 2003. A reference to the prior application must be inserted as the first sentence(s) of the specification of this application or in an application data sheet (37 CFR 1.76), if applicant intends to rely on the filing date of the prior application under 35 U.S.C. 119(e), 120, 121, or 365(c). See 37 CFR 1.78(a). For benefit claims under 35 U.S.C. 120, 121, or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of all nonprovisional applications. If the application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference to the prior application must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted

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during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A benefit claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed benefit claim under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

If the reference to the prior application was previously submitted within the time period set forth in 37 CFR 1.78(a), but not in the first sentence(s) of the specification or an application data sheet (ADS) as required by 37 CFR 1.78(a) (e.g., if the reference was submitted in an oath or declaration or the application transmittal letter), and the information concerning the benefit claim was recognized by the Office as shown by its inclusion on the first filing receipt, the petition under 37 CFR 1.78(a) and the surcharge

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under 37 CFR 1.17(t) are not required. Applicant is still required to submit the reference in compliance with 37 CFR 1.78(a) by filing an amendment to the first sentence(s) of the specification or an ADS. See MPEP § 201.11.

4. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon the applications filed in the Republic of Korea on 5 July 2002 and on 4 January 2003. A claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said application, since the United States application was filed more than twelve months thereafter.

5. Acknowledgment is made of applicant's claim for foreign priority based on the applications filed in Republic of Korea on 5 July 2002 and on 4 January 2003. It is noted, however, that applicant has not filed a certified copy of the 2002-38880 and 2003-436 applications as required by 35 U.S.C. 119(b).

Information Disclosure Statement

6. The information disclosure statement (IDS) submitted on 13 February 2004 and 12 December 2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

7. The drawings were received on 13 February 2004. These drawings are accepted.

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Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 1-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

For your reference, below is a section from MPEP 2105 :

(a) Functional Descriptive Material: "Data Structures" Representing Descriptive Material Per Se or Computer Programs Representing Computer Listings Per Se
Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Similarly, computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. Accordingly, it is important to distinguish claims that define descriptive material per se from claims that define statutory inventions.

Computer programs are often recited as part of a claim. Office personnel should determine whether the computer program is being claimed as part of an otherwise statutory manufacture or machine. In such a case, the claim remains statutory irrespective of the fact that a computer program is included in the claim. The same result occurs when a computer program is used in a computerized process where the computer executes the instructions set forth in the computer program. Only when the claimed invention taken as a whole is directed to a mere program listing, i.e., to only its description or expression, is it descriptive material per se and hence nonstatutory.

Since a computer program is merely a set of instructions capable of being executed by a computer, the computer program itself is not a process and Office personnel should treat a claim for a computer program, without the computer-readable medium needed to realize the computer program's functionality, as nonstatutory functional descriptive material. When a computer program is claimed in a process where the computer is executing the

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computer program's instructions, Office personnel should treat the claim as a process claim. See paragraph IV.B.2(b), below. When a computer program is recited in conjunction with a physical structure, such as a computer memory, Office personnel should treat the claim as a product claim.

10. Claims 1, 6, and 9-11 are rejected for comprising a method not tied an apparatus (i.e. disclosing mental, pen, or paper steps) that results in each said claim appear to be not directed towards a useful, concrete and tangible result. In addition, each said claim do not appear to be transforming data from one form to another, therefore said claims are directed to non-statutory subject matter.

11. Claim 5 is viewed as having non-functional descriptive material in nature. The limitations of Claim 5 just show mere data being presented that does not have any functionality and does not produce a useful, concrete, tangible result. For example, Claim 1 only claims a method of merely identifying a value and comparing (determining) the value to display rule information which only comprises mere data in a file resulting in not producing a useful, concrete, and tangible result. Thus, it appears as non-statutory.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said

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subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-2, 4-8, and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamkin et al. (hereinafter Lamkin), U.S. Publication No. US 2002/0088011 A1, filed 7/2/2001, provisional filing 7/7/2000 (cited via Applicant's IDS), in view of Berstis et al. (hereinafter Berstis), U.S. Patent No. 6,510,458 filed 7/15/1999.

As per independent claim 1, Lamkin et al discloses an method disclosing a DVD (a storage medium) containing AV data, and including HTML documents in directories to reproduce said AV data in an interactive mode (a DVD video content and HTML content with extra information regarding said video encoded on said DVD, playable via computer connected to the Internet) (Abstract; Paragraph 0035, 0039, 0063, 0066, 0068, 0174, 0224)

Lamkin discloses identifying parental level values (Page 11, Right Column, "ParentalLevelSelect(n)" command) wherein the commands control the playback and navigation mechanisms of the DVD (Paragraph 0131); however, fail to reproducing ...using a mark-up document corresponding to the identified parental level. However, Berstis teaches Web filtering of a web page whereby a user selectable ratings service (such as parental levels) is used to rate Web content, screening objectionable content, therefore blocking transmission, etc; based upon a numerical (value) level control, wherein these set predetermined values/ratings determine which elements, content and other information of the Web page to be displayed . (Berstis Abstract, column 12 lines 5-10, 13-18, column 13 lines 15-20, 25-46, 54-59, column 18 lines 44-48, Figures 6-9). It

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is additionally noted that Berstis teaches that HTTP is a known protocol for transferring data files (e.g. text, audio, motion video, etc.) (Berstis column 6 lines 35-42). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Berstis to Lamkin, providing Lamkin the benefit of restricting objectionable content for greater parental control (i.e. providing customized HTML content in Lamkin's invention accordingly, based on Berstis's parental level (rules) selection). (see Berstis column 13 lines 16-20, 47-53).

As per dependent claim 2, Claim 2 recites similar limitations as in Claim 1, and is similarly rejected under rationale. Furthermore, Lamkin teaches a common HTML page (index.htm) in a directory named "common" (a form of startup document) (Lamkin paragraph [0075]). However, Lamkin does not specifically teach meta-information. However, Berstis teaches HTML meta-information associated with parental levels (Berstis column 10 lines 10-19; col 12, lines 13-15; col 14, lines 60-67 -insert an extra header into the document before the contents of the document; col 15, lines 4-6, 12-25 – embedding in the document). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Berstis to Lamkin, providing Lamkin the benefit of meta-data to more accurately describe parental data.

As per independent claim 4, Claim 4 recites similar limitations as in Claim 1 and is similarly rejected under rationale. Furthermore, Lamkin teaches various directories (i.e. directories and subdirectories) storing both DVD content and HTML content

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accordingly (Lamkin paragraph [0035]) and a common HTML page (index.htm) in a directory named "common" (a form of startup document) (Lamkin paragraph [0075]).

As per independent claims 5 and 6, Lamkin discloses a DVD (a storage medium) containing AV data, and including HTML documents in directories to reproduce said AV data in an interactive mode (a DVD video content and HTML content with extra information regarding said video encoded on said DVD, playable via computer connected to the Internet) However, Lamkin does not specifically teach displaying information (elements of a mark-up document) according to a "set parental level" (predetermined values based on display information).

However, Berstis teaches Web filtering whereby a user selectable ratings service is used to rate Web content, screening objectionable content, therefore blocking transmission, etc., based upon a numerical (value) level control; wherein these set predetermined values determine which elements, content and other information of the Web page to be displayed, and teaches specifying which sites (HTML pages) a user is allowed to see, based on a selected parental level. (Berstis Abstract, column 12 lines 5-10, 13-18, column 13 lines 15-20, 25-46, 54-59, column 18 lines 44-48, Figures 6-9, Figure 7). It is additionally noted that Berstis teaches that HTTP is a known protocol for transferring data files (e.g. text, audio, motion video, etc.) (Berstis column 6 lines 35-42). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Berstis to Lamkin, providing Lamkin the benefit of restricting objectionable content for greater parental control (i.e. providing customized HTML content) and selecting which HTML page to view based on parental levels in Lamkin's

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invention accordingly, based on Berstis's parental level selection). (see Berstis column 13 lines 16-20, 47-53).

As per dependent claims 7, and 8, Lamkin teaches a stylesheet (i.e. CSS) (Paragraph 0124)

As per independent claim 10, Claim 10 recites similar limitations as in Claim 1 and 4 and is similarly rejected under rationale.

As per independent claim 11, Claim 11 recites similar limitations as in Claim 10 and is similarly rejected under rationale. Furthermore, Lamkin discloses embedding AV content with the HTML document (Paragraph 0117, 0121-0124) which is displayed by a displayed device (FIG 1, 138)

As per dependent claim 12, Lamkin does not specifically teach displaying pages according to a parental level. However, Berstis teaches Web filtering of a web page whereby a user selectable ratings service (such as parental levels) is used to rate Web content, screening objectionable content, therefore blocking transmission, etc; based upon a numerical (value) level control, wherein these set predetermined values determine which elements, content and other information of the Web page to be displayed . (Berstis Abstract, column 12 lines 5-10, 13-18, column 13 lines 15-20, 25-46, 54-59, column 18 lines 44-48, Figures 6-9). In other words, if the user has a higher allowed parental level then the page's set parental level, then the user is able to view the page and/or certain/all content. If the user has a lower allowed parent level, then the page and/or certain/all content is blocked. It is additionally noted that Berstis teaches that HTTP is a known protocol for transferring data files (e.g. text, audio, motion video,

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etc.) (Berstis column 6 lines 35-42). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Berstis to Lamkin, providing Lamkin the benefit of restricting objectionable content for greater parental control (i.e. providing customized HTML content in Lamkin's invention accordingly, based on Berstis's parental level (rules) selection). (see Berstis column 13 lines 16-20, 47-53).

As per dependent claim 13, Claim 13 recites similar limitations as in Claim 1, and is similarly rejected under rationale. Furthermore, Lamkin discloses the parent level value range is from 1-8 (Page 11, Right Column, "ParentalLevelSelect(n)")

As per dependent claim 14, Lamkin discloses HTML documents that contain live web links (i.e. URL) to other media stored on the Internet, an actor's web site or the HTML document is linked to an ITX web site (Paragraph 0066, 0068, 0070, and Claim 15). However, Lamkin fails to specifically disclose accessing more one or more URLs according to the set parent level. However, Berstis teaches specifying which sites (URLs of HTML pages) a user is allowed to see, based on a selected parental level (Berstis Figure 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Berstis's levels to Lamkin's HTML selection, providing Lamkin the benefit of selecting which HTML page (via links) to view based on parental levels.

14. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamkin et al. (hereinafter Lamkin), U.S. Publication No. US 2002/0088011 A1, filed 7/2/2001, provisional filing 7/7/2000 (cited via Applicant's IDS), in view of Berstis et al.

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(hereinafter Berstis), U.S. Patent No. 6,510,458 filed 7/15/1999 in further view of Blanco (US PGPub 2002/0128061, filed 3/9/2001)

As per dependent claim 3, Lamkin and Bertsis fail to specifically disclose a warning message. However, Blanco discloses of determining of acceptable content based on relevant parental content settings. If the content is determined not acceptable, a message is displayed preventing the content from being from being displayed or executed. (Paragraph 0060, 0077) It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Blanco to Lamkin and Bertsis, providing the benefit of warning messages in indicating of viewing status accordingly in an improved mechanism for restricting access to inappropriate content.

As per independent claim 9, Lamkin et al discloses an method disclosing a DVD (a storage medium) containing AV data, and including HTML documents in directories to reproduce said AV data in an interactive mode (a DVD video content and HTML content with extra information regarding said video encoded on said DVD, playable via computer connected to the Internet) (Abstract; Paragraph 0035, 0039, 0063, 0066, 0068, 0174, 0224), various directories (i.e. directories and subdirectories) storing both DVD content and HTML content accordingly (Lamkin paragraph [0035]) and a common HTML page (index.htm) in a directory named "common" (a form of startup document) (Lamkin paragraph [0075]).

Lamkin discloses identifying parental level values (Page 11, Right Column, "ParentalLevelSelect(n)" command) wherein the commands control the playback and

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navigation mechanisms of the DVD (Paragraph 0131); however, fail to reproducing ...using a mark-up document corresponding to the identified parental level. However, Berstis teaches Web filtering whereby a user selectable ratings service is used to rate Web content, screening objectionable content, therefore blocking transmission, etc., based upon a numerical (value) level control; wherein these set predetermined values determine which elements, content and other information of the Web page to be displayed, and teaches specifying which sites (HTML pages) a user is allowed to see, based on a selected parental level. (Berstis Abstract, column 12 lines 5-10, 13-18, column 13 lines 15-20, 25-46, 54-59, column 18 lines 44-48, Figures 6-9, Figure 7). In other words, if the user has a higher allowed parental level then the page's set parental level, then the user is able to view the page and/or certain/all content. If the user has a lower allowed parent level, then the page and/or certain/all content is blocked. It is additionally noted that Berstis teaches that HTTP is a known protocol for transferring data files (e.g. text, audio, motion video, etc.) (Berstis column 6 lines 35-42). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Berstis to Lamkin, providing Lamkin the benefit of restricting objectionable content for greater parental control (i.e. providing customized HTML content) and selecting which HTML page to view based on parental levels in Lamkin's invention accordingly, based on Berstis's parental level selection). (see Berstis column 13 lines 16-20, 47-53).

Furthermore, Lamkin and Bertsis fail to specifically disclose a warning message. However, Blanco discloses of determining of acceptable content based on relevant parental content settings. If the content is determined to be not acceptable, a message

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is displayed preventing the content from being from being displayed or executed. If the content is determined acceptable, the content is displayed or executed (Paragraph 0060, 0077) It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Blanco to Lamkin and Bertisis, providing the benefit of warning messages in indicating of viewing status accordingly in an improved mechanism for restricting access to inappropriate content.

Double Patenting

15. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

16. Claims 1-14 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 7,493,552.

Although the conflicting claims are not identical, they are not patentably distinct from

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each other because they are substantially similar in scope and they use the same limitations, using varying terminology. Both applications disclose displaying documents along with reproducing AV data in an interactive mode according to a parental level.

17. Claims 1-14 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 of copending Application No. 10777668. Although the conflicting claims are not identical, they are not patentably distinct from each other because they are substantially similar in scope and they use the same limitations, using varying terminology. Both applications disclose displaying documents along with reproducing AV data in an interactive mode according to a parental level.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

18. Claims 1-14 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-22 of copending Application No. 10777900. Although the conflicting claims are not identical, they are not patentably distinct from each other because they are substantially similar in scope and they use the same limitations, using varying terminology. Both applications disclose displaying documents along with reproducing AV data in an interactive mode according to a parental level.

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This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Lamkin et al US 2002/0078144 Published 6/20/2002

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Faber whose telephone number is 571-272-2751. The examiner can normally be reached on M-F from 8am to 430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/David Faber/
Examiner, Art Unit 2178

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	/CESAR B PAULA/ Primary Examiner, Art Unit 2178
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